

# SENATE BILL REPORT

## SB 5529

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As Amended by House, March 3, 2022

**Title:** An act relating to self-directed care.

**Brief Description:** Concerning self-directed care.

**Sponsors:** Senators Cleveland, Keiser, Dhingra and Wilson, C.; by request of Department of Social and Health Services.

**Brief History:**

**Committee Activity:** Health & Long Term Care: 1/14/22, 1/17/22 [DP].

**Floor Activity:** Passed Senate: 1/26/22, 48-0.

Passed House: 3/3/22, 96-1.

**Brief Summary of Bill**

- Repeals the requirement for medicaid-funded personal aide providers to register with the Department of Social and Health Services.
- Updates the personal aide definition to account for the individual provider's transition to employees of the Consumer Directed Employer.

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### SENATE COMMITTEE ON HEALTH & LONG TERM CARE

**Majority Report:** Do pass.

Signed by Senators Cleveland, Chair; Frockt, Vice Chair; Muzzall, Ranking Member; Conway, Holy, Keiser, Padden, Randall, Rivers, Robinson, Sefzik and Van De Wege.

**Staff:** LeighBeth Merrick (786-7445)

**Background:** Self-directed care is when an individual with a functional disability hires a personal aide to perform a manual function related to health care that the individual would otherwise perform for themselves if it were not for their disability. The personal aide may

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work privately or with medicaid clients through a contract with the Department of Social and Health Services (DSHS). Personal aides that serve medicaid clients are individual providers (IPs) and are required to register with DSHS. There are about 1200 medicaid clients self-directing their care and 47,000 IPs. Not all IPs provide self-directed care.

In 2018, the Legislature passed ESSB 6199 which directed DSHS to implement a Consumer Directed Employer (CDE) program. Under the CDE, IPs are employed by the CDE rather than contracted with DSHS. DSHS began transitioning IPs to the CDE in 2021 and expects the CDE program will be fully implemented in 2022.

**Summary of Bill:** The reference to IPs in the personal aide definition is updated to account for IPs becoming CDE employees and no longer contracting with DSHS. The requirement for personal aides to register with DSHS is repealed.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This is DSHS request legislation which makes necessary updates now that the CDE is under implementation in our state. This bill is significant for individuals with functional disabilities who rely on self-directed care to stay living in their own home. This bill allows them to continue to receive critical supports like medication administration, insulin injections and wound care. The self-directed care laws passed in 1999 and have been successful in keeping people living independently. This bill preserves what has been working well. If this bill doesn't pass, it will prevent individuals from receiving self-directed care. They will have to rely on home health and nurse delegation which is more costly and administrative burdensome for the individual. There is no fiscal impact since DSHS already captures the personal aide information in their assessment and service planning processes.

**Persons Testifying:** PRO: Senator Annette Cleveland, Prime Sponsor; Bea Rector, DSHS, Aging and Long-Term Support Administration; Patricia Toole.

**Persons Signed In To Testify But Not Testifying:** No one.

#### **EFFECT OF HOUSE AMENDMENT(S):**

- Specifies personal aides assist with physically performing health care tasks when directed by an adult person with a functional disability.
- Specifies a person who acts as a personal aide by performing self-directed health care tasks

may also provide other home care services.

- Specifies that the health care licensing exemptions for personal aides does not exempt an individual provider from becoming certified as a home care aide.